

ASSEMBLY BILL

No. 2609

Introduced by Assembly Member Evans

February 24, 2006

An act to add Section 1569.69 to the Health and Safety Code, relating to residential facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 2609, as introduced, Evans. Residential facilities for the elderly: employee training.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

This bill would require that a licensed residential care facility for the elderly ensure that each employee of the facility who assists residents with the self-administration of medications meet specified employee training requirements set forth in the bill. The bill would require that each residential care facility that provides employee training pursuant to these provisions maintain certain records and documentation related to that training. It would also provide that a facility require a consultant pharmacist or nurse to review the facility's medication management program and procedures at least twice a year. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1569.69 is added to the Health and
2 Safety Code, to read:
3 1569.69. (a) Each residential care facility for the elderly
4 licensed under this chapter shall ensure that each employee of the
5 facility who assists residents with the self-administration of
6 medications meets the following training requirements:
7 (1) The employee completes 16 hours of initial training prior
8 to independently assisting residents with self-administration of
9 medications.
10 (2) The training required in paragraph (1) shall include eight
11 classroom hours and eight hours of hands-on shadowing training,
12 and shall cover all of the following areas:
13 (A) The role and responsibilities of unlicensed staff.
14 (B) An explanation of the terminology, abbreviations, and
15 symbols specific to medication assistance.
16 (C) An explanation of the different types of medication orders:
17 Prescription, over-the-counter, controlled, and other medications.
18 (D) A description of the types of illnesses and conditions that
19 certain medications are used to treat, and of commonly used
20 geriatric medications.
21 (E) An explanation of the basic rights of medication
22 assistance, including basic rules and precautions.
23 (F) Information on common medication dosage forms and
24 routes for medication.
25 (G) A description of necessary preparation and assistance with
26 self-administration of medications in and out of the facility, and
27 information on medication documentation systems.
28 (H) An explanation of guidelines for the proper storage,
29 security, and documentation of centrally stored medications.
30 (I) A description of the processes used for medication
31 ordering, refills and the receipt of medications from the
32 pharmacy.

1 (J) An explanation of medication side effects, adverse
2 reactions, and errors.

3 (b) Following the training required in subdivision (a), each
4 employee shall pass a 60-question competency examination with
5 an 80 percent minimum score prior to independently assisting
6 residents with the self-administration of medications. The
7 examination shall cover the subjects covered in the training and
8 each test that receives a passing score shall be signed by the
9 trainee and trainer, and reviewed by a pharmacist or nurse during
10 a semiannual consultation.

11 (c) Each employee who received training and passed the exam
12 required in subdivision (b) shall also complete four hours of
13 inservice training in each succeeding 12-month period.

14 (d) Each residential care facility for the elderly that provides
15 employee training under this section shall use the training
16 material and the accompanying examination that are developed
17 by, or in consultation with, a licensed nurse, pharmacist, or
18 physician. The licensed residential care facility for the elderly
19 shall maintain the following documentation for each medical
20 consultant used to develop the training:

21 (1) The name, address, and telephone number of the
22 consultant.

23 (2) The date when consultation was provided.

24 (3) The consultant's organization affiliation, if any, and any
25 educational and professional qualifications specific to medication
26 management.

27 (4) The training topics for which consultation was provided.

28 (e) Each person who provides employee training under this
29 section shall meet the following education and experience
30 requirements:

31 (1) A minimum of eight hours of certified continuing
32 education or three semester units, or the equivalent, from an
33 accredited educational institution, on topics relevant to
34 medication management.

35 (2) The person shall meet either of the following practical
36 experience requirements:

37 (A) Current employment as a consultant with expertise in
38 medication management.

1 (B) Two years full-time experience, or the equivalent, within
2 the last four years, as an administrator for a residential care
3 facility for the elderly or as a direct care provider.

4 (3) The licensed residential care facility for the elderly shall
5 maintain the following documentation on each person who
6 provides employee training under this section:

7 (A) The person's name, address, and telephone number.

8 (B) Information on the topics or subject matter covered in the
9 training.

10 (C) The time, dates, and hours of training provided.

11 (f) The training may be offsite, and the trainer may use various
12 methods of instruction, including, but not limited to, all of the
13 following:

14 (1) Lectures by presenters who are knowledgeable about
15 medication management.

16 (2) Video instruction tapes, interactive material, and books.

17 (3) Other written or visual materials approved by
18 organizations or individuals with expertise in medication
19 management.

20 (g) The licensed residential care facility for the elderly shall
21 maintain in its personnel records documentation for each
22 employee who completes the training that includes the date,
23 hours provided, and names of staff in attendance, and method of
24 instruction used. The documentation required by this subdivision
25 shall meet the following requirements:

26 (1) The documentation be retained for at least three years
27 following the date consultation services or training were
28 provided.

29 (2) The licensed residential care facility for the elderly agency
30 shall be entitled to inspect, audit, remove if necessary, and copy
31 this documentation upon demand during normal business hours.

32 (3) The licensed residential care facility for the elderly shall
33 maintain in the personnel records documentation on the ongoing
34 training required and include the training topics covered.

35 (h) The licensed residential care facility for the elderly shall
36 ensure that a consultant pharmacist or nurse review the facility's
37 medication management program and procedures at least twice a
38 year.

39 SEC. 2. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the
4 penalty for a crime or infraction, within the meaning of Section
5 17556 of the Government Code, or changes the definition of a
6 crime within the meaning of Section 6 of Article XIII B of the
7 California Constitution.

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